

Effective December 15, 2003. Subject to further change after comment period.

1 Rule 3-202. Court Referees.

2 Intent:

3 To establish the position of Court Referee as a quasi-judicial officer.

4 To establish the duties, responsibilities, and authority of Court Referees.

5 To establish uniform administrative policies governing the qualifications, appointment and
6 supervision of Court Referees.

7 Applicability:

8 This rule shall apply to District and Juvenile Courts.

9 Statement of the Rule:

10 (1) Definition. Court Referees are quasi-judicial officers of the judicial branch of
11 government.

12 (2) Qualifications. Court Referees must be at least 25 years of age, United States citizens and
13 Utah residents for three years preceding appointment. Court Referees must possess knowledge of
14 laws and regulations, court procedures, and penalties for violations within the authority of the
15 referee to impose. Court Referees must possess evidence of good character.

16 (3) Appointment - Oath of office. The Court Executive shall assist the presiding judge or
17 judges of the jurisdiction in the selection of Court Referees. The presiding judge with the
18 approval of the judges of the jurisdiction ~~shall may~~ appoint an individual to the office ~~who may~~
19 ~~be a full-time referee or a clerk of the court serving as a part-time referee by contract or by~~
20 ~~employment~~. Court Referees, before entering upon the duties of their office, shall take and
21 subscribe to an oath of office.

22 (4) Standards of performance. Court Referees must comply with applicable constitutional and
23 statutory provisions, court rules and procedures, and the provisions of this Code.

24 (5) Evaluation. The presiding judge and the court executive shall develop a performance plan
25 for the Court Referee and shall prepare an evaluation of performance annually. A copy of the
26 performance plan and evaluation shall be maintained in the official personnel file in the
27 Administrative Office.

28 (6) Salaries and benefits.

29 (6)(A) ~~Full-time~~ Court Referees employed by the court shall be compensated at a level within
30 the standards of the Judicial Council.

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~~(B) Full-time Court Referees~~ and shall receive the same employment benefits as non-judicial officers employed in the judicial branch.

~~(C)-(6)(B)~~ Court clerks serving as part-time referees shall receive no additional compensation for referee services.

(7) Authority and duties. The respective Boards shall develop uniform rules governing the duties and authority of Court Referees at each court level. The rules shall be submitted to the Council for final approval and shall, at a minimum, provide the following:

(7)(A) Court Referees shall be authorized to adjudicate only those offenses listed in the uniform bail schedule not requiring court appearance by the defendant.

(7)(B) Court Referees may establish bail, order dismissals, refer persons to traffic school or otherwise equitably dispose of citations.

(7)(C) Court Referees shall review the offense described on the citation and the circumstances of the offense with the defendant and propose a mutually acceptable disposition. Upon stipulation of the defendant, the Court Referee may order disposition in accordance with the agreement.

(7)(D) In the event that a stipulation cannot be reached or the defendant so requests, the Court Referee shall refer the matter to the court for trial.

(7)(E) Dispositions by Court Referees shall be final unless the defendant withdraws a stipulation within 10 days of its entry. If the defendant withdraws a stipulation in a timely manner, the matter shall be scheduled for trial before the Court.

(7)(F) Documentation of Court Referee dispositions shall be maintained; however, such proceedings shall not be a matter of record.